

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

XAI BEE MOUA

Civil No. 04-2635 (MJD/JGL)

Plaintiff,

v.

O R D E R

**JO ANNE B. BARNHART, Commissioner of
the Social Security Administration,**

Defendant.

APPEARANCES

Laura Susan Melnick, Esq., Southern Minnesota Regional Legal Services Attorney, on behalf of Plaintiff Xai Bee Moua

Lonnie F. Bryan, Esq., Assistant United States Attorney, on behalf of Defendant.

Based upon the Report and Recommendation by Chief United States Magistrate Judge Jonathan Lebedoff dated June 14, 2005; all the files, records and proceedings herein; and no objections having been filed to that Report and Recommendation;

IT IS HEREBY ORDERED:

(1) Plaintiff Xai Bee Moua's Motion for Summary Judgment (Doc. No. 10) is

DENIED;

(2) Defendant Commissioner's Motion for Summary Judgment (Doc. No. 17) is

GRANTED; and

(3) The Commissioner's decision is **AFFIRMED**.

Dated: July 13, 2005

s/ Michael J. Davis

Michael J. Davis

United States District Court